

In re Patent Application of
Steph n E. Frazier
Serial No. **09/923,764**
Filed **August 7, 2001**

Concerns Under Section 112 Have Been Addressed

The Examiner rejected Claims 64-66 and 75-79 as indefinite under Section 112, or as containing subject matter not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s) had possession of the claimed invention at the time the application was filed. Applicant believes these concerns have been adequately addressed, as follows.

Independent Claims 64 and 76 have been amended to clarify their language, eliminating the term "increased" and relocating the term "enhanced" so that the claims read more clearly. Applicant believes this non-narrowing amendment fully addresses the Examiner's concern that the term "increased" is indefinite.

The Examiner has deemed Claims 77-79 to be duplicates. Applicant has reviewed these claims and, respectfully, does not understand the Examiner's position in that regard. Claim 76, from which Claims 77-79 depend, has been amended to expand its scope through introduction of a Markush expression "an enhancer selected from potassium iodide, ammonium carbonate, ammonium sulfate, and combinations thereof." Claim 77 further modifies the "contacting" recited in Claim 76. Claim 78 has been cancelled without prejudice. Claim 79 further narrows the enhancer to wherein it consists of potassium iodide. Applicant, therefore, respectfully states that it is unclear what the Examiner means by asserting the Claims 77-79 are duplicates, and requests either clarification or withdrawal of this rejection.

The Examiner has also stated that there appears to be no support for the two temperature ranges claimed (in independent Claims 64 and 76). Applicant points to the originally filed specification at Example 5 on page 9 (and at the same time apologizes that page numbering was inadvertently omitted); Example 7 on page 10; and Example 8 on

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page 11. All these examples indicate that there were two heating steps in the preparation of the enhanced activated carbon.

The Examiner has further expressed concern regarding the term "about" as recited in the claims in relation to a stated temperature. Applicant respectfully points out that in this context the common dictionary meaning of the term "about" is "approximately." The claims have been amended to recite "approximately", as it may be clearer to the reader that the inventor recognizes certain inherent variability in any temperature measurement and that it would thus be imprudent to restrict the scope of these claims to a definitive cutoff temperature. Applicant believes that the common meaning of the term "approximately" is completely clear to those skilled in the art, and that consequently the claims are not indefinite merely because this term is included in the recitation. Accordingly, Applicant respectfully requests withdrawal of this rejection.

The Claimed Invention Is Nonobvious Over The Cited Reference

The Examiner cites Aibe *et al.* (US 5,288,306) and rejects independent Claims 64 and 76 as obvious in view thereof. The Examiner, however, acknowledges that the reference by Aibe *et al.* "does not explicitly teach drying at the claimed temperature." In addition, Applicant points out that the cited reference also does not describe or suggest two separate heating steps at two different temperatures. As noted above, the written specification provides several examples supporting the claimed process. Applicant, therefore, respectfully asserts that the claimed invention is nonobvious and patentable over the reference to Aibe *et al.*, and requests withdrawal of this rejection.

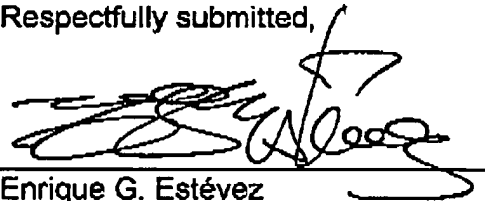
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Conclusion

Applicant, therefore, believes the claims are patentable and in condition for allowance, and respectfully requests such allowance.

If the further prosecution can be facilitated through a telephone conference between the Examiner and the undersigned, the Examiner is respectfully requested to telephone the undersigned at his convenience.

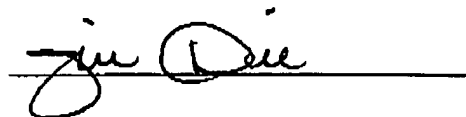
Respectfully submitted,



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CERTIFICATE OF FILING BY FACSIMILE

I hereby certify that this correspondence is being filed by facsimile transmission to Technology Center 1700, Group Art Unit No. 1754, at its Fax No. 703-872-9310, on this 13th day of December, 2002.



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VERSION WITH MARKINGS TO SHOW AMENDMENTS MADE

64.(Three times amended) A process of making [enhanced] activated carbon having an [increased] enhanced capacity for adsorbing dissolved chlorine, comprising:

contacting the activated carbon with an aqueous solution having up to about 10% by weight of an enhancer comprising potassium iodide; and
drying the activated carbon by a first heating at a temperature of less than [about] approximately 130° C, followed by a second heating at a temperature of approximately at least 130° C.

76.(Amended) A process of making [enhanced] activated carbon having an [increased] enhanced capacity for adsorbing chlorine in potable water, comprising:

contacting the activated carbon with [an aqueous] a solution having up to about 10% by weight of an enhancer [comprising potassium iodide] selected from potassium iodide, ammonium carbonate, ammonium sulfate, and combinations thereof;

drying the activated carbon at a temperature of less than [about] approximately 130° C until visibly dry; and

enhancing the activity of the activated carbon by heating at a temperature of approximately at least 130° C for a time sufficient for producing enhanced activation.